

103^D CONGRESS
2^D SESSION

S. 2062

To amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to permit the movement in interstate commerce of meat and meat food products and poultry products that satisfy State inspection requirements that are at least equal to Federal inspection standards, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 3 (legislative day, MAY 2), 1994

Mr. INOUE introduced the following bill; which was read twice and referred to the Committee on Agriculture, Nutrition, and Forestry

A BILL

To amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to permit the movement in interstate commerce of meat and meat food products and poultry products that satisfy State inspection requirements that are at least equal to Federal inspection standards, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Meat and Poultry
5 Products Inspection Amendments of 1994”.

1 **SEC. 2. FEDERAL AND STATE COOPERATION UNDER THE**
2 **FEDERAL MEAT INSPECTION ACT.**

3 (a) REMOVAL OF INTRASTATE DISTRIBUTION LIM-
4 TATION.—Section 301(a)(1) of the Federal Meat Inspec-
5 tion Act (21 U.S.C. 661(a)(1)) is amended by striking
6 “solely for distribution within such State”.

7 (b) USE OF STATE INSPECTORS.—Section 301(a) of
8 such Act (21 U.S.C. 661(a)) is amended by adding at the
9 end the following new paragraph:

10 “(5) In addition to appointing inspectors under
11 section 21, the Secretary may enter into an agree-
12 ment with a State or the District of Columbia to uti-
13 lize an officer or employee of the State or the Dis-
14 trict of Columbia to conduct any examination, inves-
15 tigation, or inspection authorized under this Act, if
16 the Secretary determines that it is practicable for
17 the examination, investigation, or inspection to be so
18 conducted.”.

19 (c) TERMINATION OF DESIGNATION OF STATE AS
20 SUBJECT TO FEDERAL INSPECTION FOR INTRASTATE
21 DISTRIBUTION.—Section 301(c)(3) of such Act (21
22 U.S.C. 661(c)(3)) is amended by striking “, with respect
23 to the operations and transactions within such State which
24 are regulated under subparagraph (1), he” and inserting
25 “with respect to each establishment within the jurisdiction
26 of the State that does not operate under Federal inspec-

1 tion under title I and at which any cattle, sheep, swine,
2 goat, or equine is slaughtered, or the carcass of the ani-
3 mal, or a part or product of the carcass of the animal,
4 is prepared, for use as human food, and with respect to
5 the distribution of each carcass, part of a carcass, meat,
6 or meat food product of the animal within the State, the
7 Secretary”.

8 (d) EXPANSION OF STATE INSPECTION AUTHOR-
9 ITY.—Section 301 of such Act (21 U.S.C. 661) is amend-
10 ed—

11 (1) by redesignating subsection (d) as sub-
12 section (e); and

13 (2) by inserting after subsection (c) the follow-
14 ing new subsection:

15 “(d)(1) Except as provided in paragraph (2), a car-
16 cass, part of a carcass, meat, or meat food product of a
17 cattle, sheep, swine, goat, or equine prepared under State
18 inspection in a State (other than a State designated under
19 subsection (c)) in compliance with the meat inspection law
20 of the State shall be eligible for sale or transportation in
21 interstate commerce, and for entry into and use in the
22 preparation of a product in an establishment at which
23 Federal inspection is maintained under title I, in the same
24 manner and to the same extent as a product prepared at
25 the establishment.

1 “(2) A State-inspected article described in paragraph
2 (1), and a federally inspected article prepared (in whole
3 or in part) from the State-inspected article—

4 “(A) shall not be eligible for sale or transpor-
5 tation in foreign commerce; and

6 “(B) shall be separated at all times from all
7 other federally inspected articles in a federally in-
8 spected establishment that engages in the prepara-
9 tion, sale, or transportation of carcasses, parts of
10 carcasses, meat, or meat food products, for foreign
11 commerce.

12 “(3) Each carcass, part of a carcass, meat, or meat
13 food product that is inspected in a program of inspection
14 in a State (other than a State designated under subsection
15 (c)) pursuant to State law shall be identified as so in-
16 spected only by an official mark that identifies the State
17 and is of such design as the State shall prescribe. A feder-
18 ally inspected article prepared (in whole or in part) from
19 the State-inspected article shall be identified as so in-
20 spected only by the same official mark as is prescribed
21 by the Secretary for an article slaughtered or prepared
22 under title I.

23 “(4) Except as provided in paragraph (5), the opera-
24 tor of an establishment operated under Federal or State
25 inspection who wishes to transfer to State or Federal in-

1 spection, as the case may be, may do so only as of October
2 1 of any year. The transfer shall occur only if—

3 “(A) the operator provides written notice of the
4 intention to transfer to both inspection agencies at
5 least 180 days in advance of the date referred to in
6 the preceding sentence; and

7 “(B) the Secretary determines that the transfer
8 will effectuate the purposes set forth in section 2
9 and will not adversely affect the stability of the total
10 State and Federal inspection systems.

11 “(5) The Secretary may permit the operator of an
12 establishment to transfer from State to Federal inspection
13 at any time if the operator presents clear and convincing
14 evidence to the Secretary that the establishment intends
15 to, and will be able to, engage in foreign commerce to a
16 substantial extent in a manner that would require Federal
17 inspection.

18 “(6) As used in this subsection, the term ‘interstate
19 commerce’ means commerce between States or between a
20 State and the District of Columbia.”.

21 (e) PROHIBITION ON ADDITIONAL OR DIFFERENT
22 STATE REQUIREMENTS.—Section 408 of such Act (21
23 U.S.C. 678) is amended to read as follows:

1 **“SEC. 408. PROHIBITION ON ADDITIONAL OR DIFFERENT**
2 **STATE REQUIREMENTS.**

3 “(a) REQUIREMENTS RELATING TO ESTABLISH-
4 MENTS.—

5 “(1) IN GENERAL.—Except as provided in para-
6 graph (2), a State or Territory or the District of Co-
7 lumbia may not impose a requirement within the
8 scope of this Act with respect to the premises, facil-
9 ity, or operation of an establishment at which in-
10 spection is provided under title I that is in addition
11 to, or different than, a requirement under this Act.

12 “(2) RECORDKEEPING REQUIREMENTS.—A
13 State or Territory or the District of Columbia may
14 impose a recordkeeping or other requirement within
15 the scope of section 202, if the requirement is con-
16 sistent with such section, with respect to an estab-
17 lishment.

18 “(b) REQUIREMENTS RELATING TO MARKING, LA-
19 BELING, PACKAGING, AND INGREDIENTS.—

20 “(1) IN GENERAL.—Except as provided in para-
21 graph (2), a State or Territory or the District of Co-
22 lumbia may not impose a marking, labeling, packag-
23 ing, or ingredient requirement that is in addition to,
24 or different than, a requirement under this Act with
25 respect to an article prepared at an establishment
26 under Federal inspection in accordance with title I

1 or with respect to an article prepared for commerce
2 at a State-inspected establishment in accordance
3 with section 301(d).

4 “(2) CONCURRENT JURISDICTION.—A State or
5 territory or the District of Columbia may, consistent
6 with this Act, exercise concurrent jurisdiction with
7 the Secretary over an article distributed in com-
8 merce or otherwise subject to this Act, for the pur-
9 pose of preventing the distribution for use as human
10 food of an article that is not in compliance with this
11 Act and is outside of a federally or State-inspected
12 establishment, or in the case of an imported article,
13 that is not at such an establishment, after the entry
14 of the article into the United States.

15 “(c) EFFECT ON OTHER LAWS.—This Act shall not
16 preclude a State or Territory or the District of Columbia
17 from imposing a requirement or taking any other action,
18 consistent with this Act, with respect to an area regulated
19 under this Act that is not referred to in this section.”.

20 **SEC. 3. FEDERAL AND STATE COOPERATION UNDER THE**
21 **POULTRY PRODUCTS INSPECTION ACT.**

22 (a) REMOVAL OF INTRASTATE DISTRIBUTION LIMI-
23 TATION.—Section 5(a)(1) of the Poultry Products Inspec-
24 tion Act (21 U.S.C. 454(a)(1)) is amended by striking
25 “solely for distribution within such State”.

1 (b) USE OF STATE INSPECTORS.—Section 5(a) of
2 such Act (21 U.S.C. 454(a)) is amended by adding at the
3 end the following new paragraph:

4 “(5) The Secretary may enter into an agree-
5 ment with a State or the District of Columbia to uti-
6 lize an officer or employee of the State or the Dis-
7 trict of Columbia to conduct any examination, inves-
8 tigation, or inspection authorized under this Act, if
9 the Secretary determines that it is practicable for
10 the examination, investigation, or inspection to be so
11 conducted.”.

12 (c) TERMINATION OF DESIGNATION OF STATE AS
13 SUBJECT TO FEDERAL INSPECTION FOR INTRASTATE
14 DISTRIBUTION.—Section 5(c)(3) of such Act (21 U.S.C.
15 454(c)(3)) is amended by striking “, with respect to the
16 operations and transactions within such State which are
17 regulated under subparagraph (1) of this paragraph (c),
18 he” and inserting “with respect to each establishment
19 within the jurisdiction of the State that does not operate
20 under Federal inspection under this Act and at which any
21 poultry is slaughtered, or any poultry product is processed,
22 for use as human food, and with respect to the distribution
23 of each poultry product within the State, the Secretary”.

24 (d) EXPANSION OF STATE INSPECTION AUTHOR-
25 ITY.—Section 5 of such Act (21 U.S.C. 454) is amended—

1 (1) by redesignating subsection (d) as sub-
2 section (e); and

3 (2) by inserting after subsection (c) the follow-
4 ing new subsection:

5 “(d)(1) Except as provided in paragraph (2), a poul-
6 try product processed under State inspection in a State
7 (other than a State designated under subsection (c)) in
8 compliance with the poultry products inspection law of the
9 State shall be eligible for sale or transportation in inter-
10 state commerce, and for entry into and use in the prepara-
11 tion of a product in an establishment at which Federal
12 inspection is maintained under this Act, in the same man-
13 ner and to the same extent as a poultry product processed
14 at the establishment. A poultry product that complies with
15 the poultry product inspection laws of the State (other
16 than a State designated under subsection (c)) in which
17 the product was processed shall be considered to comply
18 with this Act.

19 “(2) A State-inspected poultry product described in
20 paragraph (1), and a federally inspected poultry product
21 processed (in whole or in part) from the State-inspected
22 poultry product—

23 “(A) shall not be eligible for sale or transpor-
24 tation in foreign commerce; and

1 “(B) shall be separated at all times from all
2 other federally inspected poultry products in a feder-
3 ally inspected establishment that engages in the
4 processing, sale, or transportation of poultry prod-
5 ucts for foreign commerce.

6 “(3) A poultry product that is inspected in a program
7 of inspection in a State (other than a State designated
8 under subsection (c)) pursuant to State law shall be iden-
9 tified as so inspected only by an official mark that identi-
10 fies the State and is of such design as the State shall pre-
11 scribe. A federally inspected poultry product processed (in
12 whole or in part) from a State-inspected poultry product
13 shall be identified as so inspected only by the same official
14 mark as is prescribed by the Secretary for a poultry prod-
15 uct processed under this Act (other than this section or
16 section 11).

17 “(4) Except as provided in paragraph (5), the opera-
18 tor of an establishment operated under Federal or State
19 inspection who wishes to transfer to State or Federal in-
20 spection, as the case may be, may do so only as of October
21 1 of any year. The transfer shall occur only if—

22 “(A) the operator provides written notice of the
23 intention to transfer to both inspection agencies at
24 least 180 days in advance of the date referred to in
25 the preceding sentence; and

12 “(6) As used in this subsection, the term ‘interstate
13 commerce’ means commerce between States or between a
14 State and the District of Columbia.”.

18 **“SEC. 23. PROHIBITION ON ADDITIONAL OR DIFFERENT**
19 **STATE REQUIREMENTS.**

“(1) IN GENERAL.—Except as provided in paragraph (2), a State or territory or the District of Columbia may not impose a requirement within the scope of this Act with respect to the premises, facil-

1 ity, or operation of an official establishment, that is
2 in addition to, or different than, a requirement
3 under this Act.

4 “(2) RECORDKEEPING REQUIREMENTS.—A
5 State or territory or the District of Columbia may
6 impose a recordkeeping or other requirement within
7 the scope of section 11(b), if the requirement is con-
8 sistent with such section, with respect to an estab-
9 lishment.

10 “(b) REQUIREMENTS RELATING TO MARKING, LA-
11 BELING, PACKAGING, AND INGREDIENTS.—

12 “(1) IN GENERAL.—A State or territory or the
13 District of Columbia may not impose—

14 “(A) except as provided in paragraph (2),
15 a marking, labeling, packaging, or ingredient
16 requirement that is in addition to, or different
17 than, a requirement under this Act with respect
18 to an article prepared at an establishment
19 under Federal inspection in accordance with
20 this Act or with respect to an article prepared
21 for commerce at a State-inspected establish-
22 ment in accordance with section 5(d); or

23 “(B) any other storage or handling re-
24 quirement found by the Secretary to unduly

1 interfere with the free flow of any poultry prod-
2 uct in commerce.

3 “(2) CONCURRENT JURISDICTION.—A State or
4 territory or the District of Columbia may, consistent
5 with this Act, exercise concurrent jurisdiction with
6 the Secretary over an article distributed in com-
7 merce or otherwise subject to this Act, for the pur-
8 pose of preventing the distribution for use as human
9 food of any article that is not in compliance with
10 this Act and is outside of a federally or State-in-
11 spected establishment, or in the case of an imported
12 article, that is not at such an establishment, after
13 the entry of the article into the United States.

14 “(c) EFFECT ON OTHER LAWS.—This Act shall not
15 preclude a State or territory or the District of Columbia
16 from imposing a requirement or taking any other action,
17 consistent with this Act, with respect to an area regulated
18 under this Act that is not referred to in this section.”.

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